

By: Rosenthal

H.B. No. 3620

A BILL TO BE ENTITLED

1 AN ACT
2 relating to repealing certain offenses and removing certain
3 regulations relating to marihuana, cannabis, cannabinoids,
4 synthetic cannabinoids, and paraphernalia.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The following provisions are repealed:

- 7 (1) Section 122.103(c), Agriculture Code;
- 8 (2) Section 122.358, Agriculture Code;
- 9 (3) Sections 69.06(e) and 104.01(c), Alcoholic
10 Beverage Code;
- 11 (4) Article 13.22, Code of Criminal Procedure;
- 12 (5) Sections 443.202(a) and 443.2025(a), Health and
13 Safety Code;
- 14 (6) Section 481.002(17), Health and Safety Code;
- 15 (7) Section 481.1031, Health and Safety Code;
- 16 (8) Sections 481.111(c), (e), and (f), Health and
17 Safety Code;
- 18 (9) Sections 481.1131, 481.1161, 481.120, 481.121,
19 481.125, and 481.183, Health and Safety Code;
- 20 (10) Subchapter G, Chapter 481, Health and Safety
21 Code;
- 22 (11) Chapter 487, Health and Safety Code; and
- 23 (12) Chapter 169, Occupations Code.

24 SECTION 2. Section 122.354, Agriculture Code, is amended to

1 read as follows:

2 Sec. 122.354. DEPARTMENT RULES. The department, in
3 consultation with the Department of Public Safety, shall adopt
4 rules regulating the transportation of hemp in this state [~~to~~
5 ~~ensure that illegal marihuana is not transported into or through~~
6 ~~this state disguised as legal hemp~~].

7 SECTION 3. Section 69.06(a), Alcoholic Beverage Code, is
8 amended to read as follows:

9 (a) The commission shall deny an original application for a
10 retail dealer's on-premise license if the commission finds that the
11 applicant or the applicant's spouse, during the five years
12 immediately preceding the application, was finally convicted of a
13 felony or one of the following offenses:

- 14 (1) prostitution or solicitation of prostitution;
- 15 (2) a vagrancy offense involving moral turpitude;
- 16 (3) bookmaking;
- 17 (4) gambling or gaming;
- 18 (5) an offense involving controlled substances as
19 defined in the Texas Controlled Substances Act, including [~~an~~
20 ~~offense involving a synthetic cannabinoid, or~~] an offense involving
21 other dangerous drugs;
- 22 (6) a violation of this code resulting in the
23 cancellation of a license or permit, or a fine of not less than
24 \$500;
- 25 (7) more than three violations of this code relating
26 to minors;
- 27 (8) bootlegging; or

1 (9) an offense involving firearms or a deadly weapon.

2 SECTION 4. Section 104.01(a), Alcoholic Beverage Code, is
3 amended to read as follows:

4 (a) A person authorized to sell malt beverages at retail, or
5 the person's agent, servant, or employee, may not engage in or
6 permit conduct on the premises of the retailer which is lewd,
7 immoral, or offensive to public decency, including any of the
8 following acts:

9 (1) the use of loud and vociferous or obscene, vulgar,
10 or indecent language, or permitting its use;

11 (2) the exposure of a person or permitting a person to
12 expose himself or herself;

13 (3) rudely displaying or permitting a person to rudely
14 display a pistol or other deadly weapon in a manner calculated to
15 disturb persons in the retail establishment;

16 (4) solicitation of any person to buy drinks for
17 consumption by the retailer or any of the retailer's employees;

18 (5) being intoxicated on the licensed premises;

19 (6) permitting lewd or vulgar entertainment or acts;

20 (7) permitting solicitations of persons for immoral or
21 sexual purposes;

22 (8) failing or refusing to comply with state or
23 municipal health or sanitary laws or ordinances; or

24 (9) possession of a narcotic [~~or a synthetic~~
25 ~~cannabinoid~~] or any equipment used or designed for the
26 administering of a narcotic [~~or a synthetic cannabinoid~~] or
27 permitting a person on the licensed premises to do so.

1 SECTION 5. Article 14.06(d), Code of Criminal Procedure, is
2 amended to read as follows:

3 (d) Subsection (c) applies only to a person charged with
4 committing an offense under:

5 (1) ~~[Section 481.121, Health and Safety Code, if the~~
6 ~~offense is punishable under Subsection (b)(1) or (2) of that~~
7 ~~section;~~

8 [(1-a)] Section 481.1161, Health and Safety Code, if
9 the offense is punishable under Subsection (b)(1) or (2) of that
10 section;

11 (2) Section 28.03, Penal Code, if the offense is
12 punishable under Subsection (b)(2) of that section;

13 (3) Section 28.08, Penal Code, if the offense is
14 punishable under Subsection (b)(2) or (3) of that section;

15 (4) Section 31.03, Penal Code, if the offense is
16 punishable under Subsection (e)(2)(A) of that section;

17 (5) Section 31.04, Penal Code, if the offense is
18 punishable under Subsection (e)(2) of that section;

19 (6) Section 38.114, Penal Code, if the offense is
20 punishable as a Class B misdemeanor; or

21 (7) Section 521.457, Transportation Code.

22 SECTION 6. Article 15.27(h), Code of Criminal Procedure, is
23 amended to read as follows:

24 (h) This article applies to any felony offense and the
25 following misdemeanors:

26 (1) an offense under Section 20.02, 21.08, 22.01,
27 22.05, 22.07, or 71.02, Penal Code;

1 (2) the unlawful use, sale, or possession of a
2 controlled substance[~~, drug paraphernalia, or marihuana~~], as
3 defined by Chapter 481, Health and Safety Code; or

4 (3) the unlawful possession of any of the weapons or
5 devices listed in Sections 46.01(1)-(14) or (16), Penal Code, or a
6 weapon listed as a prohibited weapon under Section 46.05, Penal
7 Code.

8 SECTION 7. Article 18A.101, Code of Criminal Procedure, is
9 amended to read as follows:

10 Art. 18A.101. OFFENSES FOR WHICH INTERCEPTION ORDER MAY BE
11 ISSUED. A judge of competent jurisdiction may issue an
12 interception order only if the prosecutor applying for the order
13 shows probable cause to believe that the interception will provide
14 evidence of the commission of:

15 (1) a felony under any of the following provisions of
16 the Health and Safety Code:

17 (A) Chapter 481[~~, other than felony possession of~~
18 ~~marihuana~~];

19 (B) Chapter 483; or

20 (C) Section 485.032;

21 (2) an offense under any of the following provisions
22 of the Penal Code:

23 (A) Section 19.02;

24 (B) Section 19.03;

25 (C) Section 20.03;

26 (D) Section 20.04;

27 (E) Chapter 20A;

1 (F) Chapter 34, if the criminal activity giving
2 rise to the proceeds involves the commission of an offense under
3 Title 5, Penal Code, or an offense under federal law or the laws of
4 another state containing elements that are substantially similar to
5 the elements of an offense under Title 5;

6 (G) Section 38.11;

7 (H) Section 43.04;

8 (I) Section 43.041;

9 (J) Section 43.05; or

10 (K) Section 43.26; or

11 (3) an attempt, conspiracy, or solicitation to commit
12 an offense listed in Subdivision (1) or (2).

13 SECTION 8. Article 42A.301(b), Code of Criminal Procedure,
14 is amended to read as follows:

15 (b) Conditions of community supervision may include
16 conditions requiring the defendant to:

17 (1) commit no offense against the laws of this state or
18 of any other state or of the United States;

19 (2) avoid injurious or vicious habits;

20 (3) report to the supervision officer as directed by
21 the judge or supervision officer and obey all rules and regulations
22 of the community supervision and corrections department;

23 (4) permit the supervision officer to visit the
24 defendant at the defendant's home or elsewhere;

25 (5) work faithfully at suitable employment to the
26 extent possible;

27 (6) remain within a specified place;

1 (7) pay in one or more amounts:

2 (A) the defendant's fine, if one is assessed; and

3 (B) all court costs, regardless of whether a fine
4 is assessed;

5 (8) support the defendant's dependents;

6 (9) participate, for a period specified by the judge,
7 in any community-based program, including a community service
8 project under Article [42A.304](#);

9 (10) if the judge determines that the defendant has
10 financial resources that enable the defendant to offset in part or
11 in whole the costs of the legal services provided to the defendant
12 in accordance with Article [1.051](#)(c) or (d), including any expenses
13 and costs, reimburse the county in which the prosecution was
14 instituted for the costs of the legal services in an amount that the
15 judge finds the defendant is able to pay, except that the defendant
16 may not be ordered to pay an amount that exceeds:

17 (A) the actual costs, including any expenses and
18 costs, paid by the county for the legal services provided by an
19 appointed attorney; or

20 (B) if the defendant was represented by a public
21 defender's office, the actual amount, including any expenses and
22 costs, that would have otherwise been paid to an appointed attorney
23 had the county not had a public defender's office;

24 (11) if under custodial supervision in a community
25 corrections facility:

26 (A) remain under that supervision;

27 (B) obey all rules and regulations of the

1 facility; and

2 (C) pay a percentage of the defendant's income to
3 the facility for room and board;

4 (12) submit to testing for alcohol or controlled
5 substances;

6 (13) attend counseling sessions for substance abusers
7 or participate in substance abuse treatment services in a program
8 or facility approved or licensed by the Department of State Health
9 Services;

10 (14) with the consent of the victim of a misdemeanor
11 offense or of any offense under Title 7, Penal Code, participate in
12 victim-defendant mediation;

13 (15) submit to electronic monitoring;

14 (16) reimburse the compensation to victims of crime
15 fund for any amounts paid from that fund to or on behalf of a victim,
16 as defined by Article 56B.003, of the offense or if no reimbursement
17 is required, make one payment to the compensation to victims of
18 crime fund in an amount not to exceed \$50 if the offense is a
19 misdemeanor or not to exceed \$100 if the offense is a felony;

20 (17) reimburse a law enforcement agency for the
21 analysis, storage, or disposal of raw materials, controlled
22 substances, chemical precursors, [~~drug paraphernalia~~] or other
23 materials seized in connection with the offense;

24 (18) reimburse all or part of the reasonable and
25 necessary costs incurred by the victim for psychological counseling
26 made necessary by the offense or for counseling and education
27 relating to acquired immune deficiency syndrome or human

1 immunodeficiency virus made necessary by the offense;

2 (19) pay a fine in an amount not to exceed \$50 to a
3 crime stoppers organization, as defined by Section 414.001,
4 Government Code, and as certified by the Texas Crime Stoppers
5 Council;

6 (20) submit a DNA sample to the Department of Public
7 Safety under Subchapter G, Chapter 411, Government Code, for the
8 purpose of creating a DNA record of the defendant; and

9 (21) in any manner required by the judge, provide in
10 the county in which the offense was committed public notice of the
11 offense for which the defendant was placed on community
12 supervision.

13 SECTION 9. Article 42A.514(a), Code of Criminal Procedure,
14 is amended to read as follows:

15 (a) If a judge grants community supervision to a defendant
16 younger than 18 years of age convicted of an alcohol-related
17 offense under Section 106.02, 106.025, 106.04, 106.041, 106.05, or
18 106.07, Alcoholic Beverage Code, or Section 49.02, Penal Code, or
19 an offense involving possession of a controlled substance [~~or~~
20 ~~marihuana~~] under Section 481.115, 481.1151, 481.116, [~~481.1161~~],
21 481.117, or 481.118, [~~or 481.121~~] Health and Safety Code, the
22 judge may require the defendant as a condition of community
23 supervision to successfully complete, as appropriate:

24 (1) an alcohol awareness program under Section
25 106.115, Alcoholic Beverage Code, that is regulated by the Texas
26 Department of Licensing and Regulation under Chapter 171,
27 Government Code; or

1 (2) a drug education program that is designed to
2 educate persons on the dangers of drug abuse in accordance with
3 Section 521.374(a)(1), Transportation Code, and that is regulated
4 by the Texas Department of Licensing and Regulation under Chapter
5 171, Government Code.

6 SECTION 10. Articles 42A.551(a) and (c), Code of Criminal
7 Procedure, are amended to read as follows:

8 (a) Except as otherwise provided by Subsection (b) or (c),
9 on conviction of a state jail felony under Section 481.115(b),
10 481.1151(b)(1), 481.116(b), [~~481.1161(b)(3), 481.121(b)(3),~~] or
11 481.129(g)(1), Health and Safety Code, that is punished under
12 Section 12.35(a), Penal Code, the judge shall suspend the
13 imposition of the sentence and place the defendant on community
14 supervision.

15 (c) Subsection (a) does not apply to a defendant who[+
16 ~~(1)~~] under Section 481.1151(b)(1), Health and Safety
17 Code, possessed more than five abuse units of the controlled
18 substance[+]

19 ~~(2) under Section 481.1161(b)(3), Health and Safety~~
20 ~~Code, possessed more than one pound, by aggregate weight, including~~
21 ~~adulterants or dilutants, of the controlled substance, or~~

22 ~~(3) under Section 481.121(b)(3), Health and Safety~~
23 ~~Code, possessed more than one pound of marijuana].~~

24 SECTION 11. Article 42A.555(a), Code of Criminal Procedure,
25 is amended to read as follows:

26 (a) A judge assessing punishment in a state jail felony case
27 may impose as a condition of community supervision that a defendant

1 submit at the beginning of the period of community supervision to a
2 term of confinement in a state jail felony facility for a term of:

- 3 (1) not less than 90 days or more than 180 days; or
4 (2) not less than 90 days or more than one year, if the
5 defendant is convicted of an offense punishable as a state jail
6 felony under Section 481.112, 481.1121, or 481.113, [~~or 481.120,~~]
7 Health and Safety Code.

8 SECTION 12. Section 37.005(c), Education Code, is amended
9 to read as follows:

10 (c) A student who is enrolled in a grade level below grade
11 three may not be placed in out-of-school suspension unless while on
12 school property or while attending a school-sponsored or
13 school-related activity on or off of school property, the student
14 engages in:

15 (1) conduct that contains the elements of an offense
16 related to weapons under Section 46.02 or 46.05, Penal Code;

17 (2) conduct that contains the elements of a violent
18 offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code;
19 or

20 (3) selling, giving, or delivering to another person
21 or possessing, using, or being under the influence of any amount of:

22 (A) [~~marihuana or~~] a controlled substance, as
23 defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
24 Section 801 et seq.;

25 (B) a dangerous drug, as defined by Chapter 483,
26 Health and Safety Code; or

27 (C) an alcoholic beverage, as defined by Section

1 1.04, Alcoholic Beverage Code.

2 SECTION 13. Section 37.006(a), Education Code, is amended
3 to read as follows:

4 (a) A student shall be removed from class and placed in a
5 disciplinary alternative education program as provided by Section
6 37.008 if the student:

7 (1) engages in conduct involving a public school that
8 contains the elements of the offense of false alarm or report under
9 Section 42.06, Penal Code, or terroristic threat under Section
10 22.07, Penal Code; or

11 (2) commits the following on or within 300 feet of
12 school property, as measured from any point on the school's real
13 property boundary line, or while attending a school-sponsored or
14 school-related activity on or off of school property:

15 (A) engages in conduct punishable as a felony;

16 (B) engages in conduct that contains the elements
17 of the offense of assault under Section 22.01(a)(1), Penal Code;

18 (C) sells, gives, or delivers to another person
19 or possesses or uses or is under the influence of:

20 (i) ~~marjuana or~~ a controlled substance,
21 as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
22 Section 801 et seq.; or

23 (ii) a dangerous drug, as defined by
24 Chapter 483, Health and Safety Code;

25 (D) sells, gives, or delivers to another person
26 an alcoholic beverage, as defined by Section 1.04, Alcoholic
27 Beverage Code, commits a serious act or offense while under the

1 influence of alcohol, or possesses, uses, or is under the influence
2 of an alcoholic beverage;

3 (E) engages in conduct that contains the elements
4 of an offense relating to an abusable volatile chemical under
5 Sections 485.031 through 485.034, Health and Safety Code;

6 (F) engages in conduct that contains the elements
7 of the offense of public lewdness under Section 21.07, Penal Code,
8 or indecent exposure under Section 21.08, Penal Code; or

9 (G) engages in conduct that contains the elements
10 of the offense of harassment under Section 42.07(a)(1), (2), (3),
11 or (7), Penal Code, against an employee of the school district.

12 SECTION 14. Section 37.007(b), Education Code, is amended
13 to read as follows:

14 (b) A student may be expelled if the student:

15 (1) engages in conduct involving a public school that
16 contains the elements of the offense of false alarm or report under
17 Section 42.06, Penal Code, or terroristic threat under Section
18 22.07, Penal Code;

19 (2) while on or within 300 feet of school property, as
20 measured from any point on the school's real property boundary
21 line, or while attending a school-sponsored or school-related
22 activity on or off of school property:

23 (A) sells, gives, or delivers to another person
24 or possesses, uses, or is under the influence of any amount of:

25 (i) [~~marijuana or~~] a controlled substance,
26 as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C.
27 Section 801 et seq.;

1 (ii) a dangerous drug, as defined by
2 Chapter 483, Health and Safety Code; or

3 (iii) an alcoholic beverage, as defined by
4 Section 1.04, Alcoholic Beverage Code;

5 (B) engages in conduct that contains the elements
6 of an offense relating to an abusable volatile chemical under
7 Sections 485.031 through 485.034, Health and Safety Code;

8 (C) engages in conduct that contains the elements
9 of an offense under Section 22.01(a)(1), Penal Code, against a
10 school district employee or a volunteer as defined by Section
11 22.053; or

12 (D) engages in conduct that contains the elements
13 of the offense of deadly conduct under Section 22.05, Penal Code;

14 (3) subject to Subsection (d), while within 300 feet
15 of school property, as measured from any point on the school's real
16 property boundary line:

17 (A) engages in conduct specified by Subsection
18 (a); or

19 (B) possesses a firearm, as defined by 18 U.S.C.
20 Section 921;

21 (4) engages in conduct that contains the elements of
22 any offense listed in Subsection (a)(2)(A) or (C) or the offense of
23 aggravated robbery under Section 29.03, Penal Code, against another
24 student, without regard to whether the conduct occurs on or off of
25 school property or while attending a school-sponsored or
26 school-related activity on or off of school property; or

27 (5) engages in conduct that contains the elements of

1 the offense of breach of computer security under Section 33.02,
2 Penal Code, if:

3 (A) the conduct involves accessing a computer,
4 computer network, or computer system owned by or operated on behalf
5 of a school district; and

6 (B) the student knowingly:

7 (i) alters, damages, or deletes school
8 district property or information; or

9 (ii) commits a breach of any other
10 computer, computer network, or computer system.

11 SECTION 15. Section 37.015(a), Education Code, is amended
12 to read as follows:

13 (a) The principal of a public or private primary or
14 secondary school, or a person designated by the principal under
15 Subsection (d), shall notify any school district police department
16 and the police department of the municipality in which the school is
17 located or, if the school is not in a municipality, the sheriff of
18 the county in which the school is located if the principal has
19 reasonable grounds to believe that any of the following activities
20 occur in school, on school property, or at a school-sponsored or
21 school-related activity on or off school property, whether or not
22 the activity is investigated by school security officers:

23 (1) conduct that may constitute an offense listed
24 under Section 508.149, Government Code;

25 (2) deadly conduct under Section 22.05, Penal Code;

26 (3) a terroristic threat under Section 22.07, Penal
27 Code;

1 (4) the use, sale, or possession of a controlled
2 substance [~~, drug paraphernalia, or marihuana~~] under Chapter 481,
3 Health and Safety Code;

4 (5) the possession of any of the weapons or devices
5 listed under Sections 46.01(1)-(14) or Section 46.01(16), Penal
6 Code;

7 (6) conduct that may constitute a criminal offense
8 under Section 71.02, Penal Code; or

9 (7) conduct that may constitute a criminal offense for
10 which a student may be expelled under Section 37.007(a), (d), or
11 (e).

12 SECTION 16. Section 37.016, Education Code, is amended to
13 read as follows:

14 Sec. 37.016. REPORT OF DRUG OFFENSES; LIABILITY. A
15 teacher, school administrator, or school employee is not liable in
16 civil damages for reporting to a school administrator or
17 governmental authority, in the exercise of professional judgment
18 within the scope of the teacher's, administrator's, or employee's
19 duties, a student whom the teacher suspects of using, passing, or
20 selling, on school property:

21 (1) [~~marihuana or~~] a controlled substance, as defined
22 by Chapter 481, Health and Safety Code;

23 (2) a dangerous drug, as defined by Chapter 483,
24 Health and Safety Code;

25 (3) an abusable glue or aerosol paint, as defined by
26 Chapter 485, Health and Safety Code, or a volatile chemical, as
27 listed in Chapter 484, Health and Safety Code, if the substance is

1 used or sold for the purpose of inhaling its fumes or vapors; or

2 (4) an alcoholic beverage, as defined by Section 1.04,
3 Alcoholic Beverage Code.

4 SECTION 17. Section 53.03(h-1), Family Code, is amended to
5 read as follows:

6 (h-1) If the child is alleged to have engaged in delinquent
7 conduct or conduct indicating a need for supervision that violates
8 Section 481.115, 481.1151, 481.116, [~~481.1161~~] 481.117, or
9 481.118, [~~or 481.121~~] Health and Safety Code, deferred prosecution
10 under this section may include a condition that the child
11 successfully complete a drug education program that is designed to
12 educate persons on the dangers of drug abuse in accordance with
13 Section 521.374(a)(1), Transportation Code, and that is regulated
14 by the Texas Department of Licensing and Regulation under Chapter
15 171, Government Code.

16 SECTION 18. Section 54.047(a), Family Code, is amended to
17 read as follows:

18 (a) If the court or jury finds at an adjudication hearing
19 for a child that the child engaged in delinquent conduct or conduct
20 indicating a need for supervision that constitutes a violation of
21 Section 481.115, 481.1151, 481.116, [~~481.1161~~] 481.117, or
22 481.118, [~~or 481.121~~] Health and Safety Code, the court may order
23 that the child successfully complete a drug education program that
24 is designed to educate persons on the dangers of drug abuse in
25 accordance with Section 521.374(a)(1), Transportation Code, and
26 that is regulated by the Texas Department of Licensing and
27 Regulation under Chapter 171, Government Code.

1 SECTION 19. Section 161.001(c), Family Code, as amended by
2 Chapters 8 (H.B. 567) and 29 (H.B. 2536), Acts of the 87th
3 Legislature, Regular Session, 2021, is reenacted and amended to
4 read as follows:

5 (c) Evidence of one or more of the following does not
6 constitute clear and convincing evidence sufficient for a court to
7 make a finding under Subsection (b) and order termination of the
8 parent-child relationship:

9 (1) the parent homeschooled the child;

10 (2) the parent is economically disadvantaged;

11 (3) the parent has been charged with a nonviolent
12 misdemeanor offense other than:

13 (A) an offense under Title 5, Penal Code;

14 (B) an offense under Title 6, Penal Code; or

15 (C) an offense that involves family violence, as
16 defined by Section 71.004 of this code;

17 (4) the parent provided or administered marihuana or
18 ~~[low-THC]~~ cannabis to a child for whom marihuana or ~~[the low-THC]~~
19 cannabis was recommended or prescribed by a medical practitioner
20 for a medical condition ~~[under Chapter 169, Occupations Code];~~

21 (5) the parent declined immunization for the child for
22 reasons of conscience, including a religious belief; ~~[or]~~

23 (6) the parent sought an opinion from more than one
24 medical provider relating to the child's medical care, transferred
25 the child's medical care to a new medical provider, or transferred
26 the child to another health care facility; or

27 (7) ~~[(6)]~~ the parent allowed the child to engage in

1 independent activities that are appropriate and typical for the
2 child's level of maturity, physical condition, developmental
3 abilities, or culture.

4 SECTION 20. Section 262.116(a), Family Code, as amended by
5 Chapters 8 (H.B. 567) and 29 (H.B. 2536), Acts of the 87th
6 Legislature, Regular Session, 2021, is reenacted and amended to
7 read as follows:

8 (a) The Department of Family and Protective Services may not
9 take possession of a child under this subchapter based on evidence
10 that the parent:

- 11 (1) homeschooled the child;
- 12 (2) is economically disadvantaged;
- 13 (3) has been charged with a nonviolent misdemeanor

14 offense other than:

- 15 (A) an offense under Title 5, Penal Code;
- 16 (B) an offense under Title 6, Penal Code; or
- 17 (C) an offense that involves family violence, as
18 defined by Section 71.004 of this code;

19 (4) provided or administered marihuana or [~~low-THC~~]
20 cannabis to a child for whom marihuana or [~~the low-THC~~] cannabis was
21 recommended or prescribed by a medical practitioner for a medical
22 condition [~~under Chapter 169, Occupations Code~~];

23 (5) declined immunization for the child for reasons of
24 conscience, including a religious belief; [~~or~~]

25 (6) sought an opinion from more than one medical
26 provider relating to the child's medical care, transferred the
27 child's medical care to a new medical provider, or transferred the

1 child to another health care facility;

2 (7) [~~(6)~~] allowed the child to engage in independent
3 activities that are appropriate and typical for the child's level
4 of maturity, physical condition, developmental abilities, or
5 culture; or

6 (8) [~~(7)~~] tested positive for marihuana, unless the
7 department has evidence that the parent's use of marihuana has
8 caused significant impairment to the child's physical or mental
9 health or emotional development.

10 SECTION 21. Section 76.017(b), Government Code, is amended
11 to read as follows:

12 (b) The program must:

13 (1) include automatic screening and evaluation of a
14 person arrested for an offense, other than a Class C misdemeanor, in
15 which an element of the offense is the use or possession of alcohol
16 or the use, possession, or sale of a controlled substance [~~or~~
17 ~~marihuana~~];

18 (2) include automatic screening and evaluation of a
19 person arrested for an offense, other than a Class C misdemeanor, in
20 which the use of alcohol or drugs is suspected to have significantly
21 contributed to the offense for which the individual has been
22 arrested;

23 (3) coordinate the evaluation and referral to
24 treatment services; and

25 (4) make referrals for the appropriate treatment of a
26 person determined to be in need of treatment, including referrals
27 to a community corrections facility as defined by Section 509.001.

1 SECTION 22. Section 123.002, Government Code, is amended to
2 read as follows:

3 Sec. 123.002. AUTHORITY TO ESTABLISH PROGRAM. The
4 commissioners court of a county or governing body of a municipality
5 may establish the following types of drug court programs:

6 (1) drug courts for persons arrested for, charged
7 with, or convicted of:

8 (A) an offense in which an element of the offense
9 is the use or possession of alcohol or the use, possession, or sale
10 of a controlled substance or[7] a controlled substance analogue[7
11 ~~or marijuana~~]; or

12 (B) an offense in which the use of alcohol or a
13 controlled substance is suspected to have significantly
14 contributed to the commission of the offense and the offense did not
15 involve:

16 (i) carrying, possessing, or using a
17 firearm or other dangerous weapon;

18 (ii) the use of force against the person of
19 another; or

20 (iii) the death of or serious bodily injury
21 to another;

22 (2) drug courts for juveniles detained for, taken into
23 custody for, or adjudicated as having engaged in:

24 (A) delinquent conduct, including habitual
25 felony conduct, or conduct indicating a need for supervision in
26 which an element of the conduct is the use or possession of alcohol
27 or the use, possession, or sale of a controlled substance or[7] a

1 controlled substance analogue[, ~~or marijuana~~]; or

2 (B) delinquent conduct, including habitual
3 felony conduct, or conduct indicating a need for supervision in
4 which the use of alcohol or a controlled substance is suspected to
5 have significantly contributed to the commission of the conduct and
6 the conduct did not involve:

7 (i) carrying, possessing, or using a
8 firearm or other dangerous weapon;

9 (ii) the use of force against the person of
10 another; or

11 (iii) the death of or serious bodily injury
12 to another;

13 (3) reentry drug courts for persons with a
14 demonstrated history of using alcohol or a controlled substance who
15 may benefit from a program designed to facilitate the person's
16 transition and reintegration into the community on release from a
17 state or local correctional facility;

18 (4) family dependency drug treatment courts for family
19 members involved in a suit affecting the parent-child relationship
20 in which a parent's use of alcohol or a controlled substance is a
21 primary consideration in the outcome of the suit; or

22 (5) programs for other persons not precisely described
23 by Subdivisions (1)-(4) who may benefit from a program that has the
24 essential characteristics described by Section [123.001](#).

25 SECTION 23. Section [411.0728\(a\)](#), Government Code, is
26 amended to read as follows:

27 (a) This section applies only to a person:

1 (1) who is convicted of or placed on deferred
2 adjudication community supervision for an offense under:

3 (A) [~~Section 481.120, Health and Safety Code, if~~
4 ~~the offense is punishable under Subsection (b)(1);~~

5 [~~(B) Section 481.121, Health and Safety Code, if~~
6 ~~the offense is punishable under Subsection (b)(1);~~

7 [~~(C)~~] Section 31.03, Penal Code, if the offense
8 is punishable under Subsection (e)(1) or (2); or

9 (B) [~~(D)~~] Section 43.02, Penal Code; and

10 (2) who, if requested by the applicable law
11 enforcement agency or prosecuting attorney to provide assistance in
12 the investigation or prosecution of an offense under Section
13 20A.02, 20A.03, or 43.05, Penal Code, or a federal offense
14 containing elements that are substantially similar to the elements
15 of an offense under any of those sections:

16 (A) provided assistance in the investigation or
17 prosecution of the offense; or

18 (B) did not provide assistance in the
19 investigation or prosecution of the offense due to the person's age
20 or a physical or mental disability resulting from being a victim of
21 an offense described by this subdivision.

22 SECTION 24. Section 411.0891(a), Government Code, is
23 amended to read as follows:

24 (a) Subject to Section 411.087, the department is
25 authorized to obtain and use criminal history record information
26 maintained by the Federal Bureau of Investigation or the department
27 that relates to a person who:

1 (1) is an applicant for or holds a registration issued
2 by the director under Subchapter C, Chapter 481, Health and Safety
3 Code, that authorizes the person to manufacture, distribute,
4 analyze, or conduct research with a controlled substance;

5 (2) ~~[is an applicant for or holds a registration~~
6 ~~issued by the department under Chapter 487, Health and Safety Code,~~
7 ~~to be a director, manager, or employee of a dispensing~~
8 ~~organization, as defined by Section 487.001, Health and Safety~~
9 ~~Code;~~

10 ~~(3)~~ is an applicant for or holds an authorization
11 issued by the department under Section 521.2476, Transportation
12 Code, to do business in this state as a vendor of ignition interlock
13 devices;

14 (3) ~~(4)~~ is an applicant for or holds certification
15 by the department as an inspection station or an inspector under
16 Subchapter G, Chapter 548, Transportation Code, holds an inspection
17 station or inspector certificate issued under that subchapter, or
18 is the owner of an inspection station operating under that chapter;
19 or

20 (4) ~~(5)~~ is an applicant for or holds a certificate
21 of registration issued by the department under Chapter 1956,
22 Occupations Code, to act as a metal recycling entity.

23 SECTION 25. Section 411.502, Government Code, is amended to
24 read as follows:

25 Sec. 411.502. APPLICABILITY. This subchapter applies to a
26 program, and persons regulated under the program, administered by
27 the department under the following laws, including rules adopted

1 under those laws:

- 2 (1) Section [411.0625](#);
- 3 (2) [~~Chapter 487, Health and Safety Code,~~
- 4 [~~3~~] Chapter [1702](#), Occupations Code;
- 5 (3) [~~4~~] Chapter [1956](#), Occupations Code;
- 6 (4) [~~5~~] Section [521.2476](#), Transportation Code; and
- 7 (5) [~~6~~] Subchapter [G](#), Chapter [548](#), Transportation
- 8 Code.

9 SECTION 26. Sections [481.002](#)(5), (6), (8), and (25), Health
10 and Safety Code, are amended to read as follows:

11 (5) "Controlled substance" means a substance,
12 including a drug, an adulterant, and a dilutant, listed in
13 Schedules I through V or Penalty Group 1, 1-A, 1-B, 2, [~~2-A~~] 3, or
14 4. The term includes the aggregate weight of any mixture,
15 solution, or other substance containing a controlled
16 substance. The term does not include hemp, as defined by Section
17 [121.001](#), Agriculture Code, or the tetrahydrocannabinols in hemp.

18 (6) "Controlled substance analogue" means:

19 (A) a substance with a chemical structure
20 substantially similar to the chemical structure of a controlled
21 substance in Schedule I or II or Penalty Group 1, 1-A, 1-B, or 2 [~~or~~
22 ~~2-A~~]; or

23 (B) a substance specifically designed to produce
24 an effect substantially similar to, or greater than, the effect of a
25 controlled substance in Schedule I or II or Penalty Group 1, 1-A,
26 1-B, or 2 [~~or~~ ~~2-A~~].

27 (8) "Deliver" means to transfer, actually or

1 constructively, to another a controlled substance or [7]
2 counterfeit substance, [~~or drug paraphernalia,~~] regardless of
3 whether there is an agency relationship. The term includes
4 offering to sell a controlled substance or [7] counterfeit
5 substance [~~, or drug paraphernalia~~].

6 (25) "Manufacture" means the production, preparation,
7 propagation, compounding, conversion, or processing of a
8 controlled substance [~~other than marijuana,~~] directly or
9 indirectly by extraction from substances of natural origin,
10 independently by means of chemical synthesis, or by a combination
11 of extraction and chemical synthesis, and includes the packaging or
12 repackaging of the substance or labeling or relabeling of its
13 container. However, the term does not include the preparation,
14 compounding, packaging, or labeling of a controlled substance:

15 (A) by a practitioner as an incident to the
16 practitioner's administering or dispensing a controlled substance
17 in the course of professional practice; or

18 (B) by a practitioner, or by an authorized agent
19 under the supervision of the practitioner, for or as an incident to
20 research, teaching, or chemical analysis and not for delivery.

21 SECTION 27. Section 481.062, Health and Safety Code, is
22 amended to read as follows:

23 Sec. 481.062. EXEMPTIONS. [~~(a)~~] The following persons may
24 possess a controlled substance under this chapter without
25 registering with the Federal Drug Enforcement Administration:

26 (1) an agent or employee of a manufacturer,
27 distributor, analyzer, or dispenser of the controlled substance who

1 is registered with the Federal Drug Enforcement Administration and
2 acting in the usual course of business or employment;

3 (2) a common or contract carrier, a warehouseman, or
4 an employee of a carrier or warehouseman whose possession of the
5 controlled substance is in the usual course of business or
6 employment;

7 (3) an ultimate user or a person in possession of the
8 controlled substance under a lawful order of a practitioner or in
9 lawful possession of the controlled substance if it is listed in
10 Schedule V; or

11 (4) an officer or employee of this state, another
12 state, a political subdivision of this state or another state, or
13 the United States who is lawfully engaged in the enforcement of a
14 law relating to a controlled substance or drug or to a customs law
15 and authorized to possess the controlled substance in the discharge
16 of the person's official duties[+]

17 ~~[(5) if the substance is tetrahydrocannabinol or one
18 of its derivatives:~~

19 ~~[(A) a Department of State Health Services
20 official, a medical school researcher, or a research program
21 participant possessing the substance as authorized under
22 Subchapter C, or~~

23 ~~[(B) a practitioner or an ultimate user
24 possessing the substance as a participant in a federally approved
25 therapeutic research program that the commissioner has reviewed and
26 found, in writing, to contain a medically responsible research
27 protocol, or~~

1 ~~[(6) a dispensing organization licensed under Chapter~~
2 ~~487 that possesses low-THC cannabis]~~.

3 SECTION 28. Section 481.103(a), Health and Safety Code, is
4 amended to read as follows:

5 (a) Penalty Group 2 consists of:

6 (1) any quantity of the following hallucinogenic
7 substances, their salts, isomers, and salts of isomers, unless
8 specifically excepted, if the existence of these salts, isomers,
9 and salts of isomers is possible within the specific chemical
10 designation:

11 5-(2-aminopropyl)benzofuran (5-APB);

12 6-(2-aminopropyl)benzofuran (6-APB);

13 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);

14 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);

15 5-(2-aminopropyl)indole (5-IT,5-API);

16 6-(2-aminopropyl)indole (6-IT,6-API);

17 1-(benzofuran-5-yl)-N-methylpropan-2-amine (5-MAPB);

18 1-(benzofuran-6-yl)-N-methylpropan-2-amine (6-MAPB);

19 Benzothiophenylcyclohexylpiperidine (BTCP);

20 8-bromo-alpha-methyl-benzo[1,2-b:4,5-b']difuran-
21 4-ethanamine (trade or other name: Bromo-DragonFLY);

22 Desoxypipradrol (2-benzhydrylpiperidine);

23 2, 5-dimethoxyamphetamine (some trade or other names: 2,
24 5-dimethoxy-alpha-methylphenethylamine; 2, 5-DMA);

25 Diphenylprolinol (diphenyl(pyrrolidin-2-yl) methanol,
26 D2PM);

27 Dronabinol (synthetic) in sesame oil and encapsulated in a

1 soft gelatin capsule in a U.S. Food and Drug Administration
2 approved drug product (some trade or other names for Dronabinol:
3 (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6, 9-
4 trimethyl-3-pentyl-6H- dibenzo [b,d]pyran-1-ol or (-)-delta-9-
5 (trans)- tetrahydrocannabinol);

6 Ethylamine Analog of Phencyclidine (some trade or other
7 names: N-ethyl-1-phenylcyclohexylamine, (1- phenylcyclohexyl)
8 ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine,
9 PCE);

10 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone (trade or
11 other name: methoxetamine);

12 Ibogaine (some trade or other names: 7-Ethyl-6, 6, beta 7, 8,
13 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H- pyrido [1',
14 2':1, 2] azepino [5, 4-b] indole; tabernanthe iboga.);

15 5-iodo-2-aminoindane (5-IAI);

16 Mescaline;

17 5-methoxy-3, 4-methylenedioxy amphetamine;

18 4-methoxyamphetamine (some trade or other names:
19 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;
20 PMA);

21 4-methoxymethamphetamine (PMMA);

22 2-(2-methoxyphenyl)-2-(methylamino)cyclohexanone (some
23 trade and other names: 2-MeO-ketamine; methoxyketamine);

24 1-methyl- 4-phenyl-4-propionoxypiperidine (MPPP, PPMP);

25 4-methyl-2, 5-dimethoxyamphetamine (some trade and other
26 names: 4-methyl-2, 5-dimethoxy-alpha- methylphenethylamine;
27 "DOM"; "STP");

- 1 3,4-methylenedioxy methamphetamine (MDMA, MDM);
- 2 3,4-methylenedioxy amphetamine;
- 3 3,4-methylenedioxy N-ethylamphetamine (Also known as N-ethyl
- 4 MDA);
- 5 5,6-methylenedioxy-2-aminoindane (MDAI);
- 6 Nabilone (Another name for nabilone: (+)-trans-
- 7 3-(1,1-dimethylheptyl)- 6,6a, 7,8,10,10a-hexahydro-1-hydroxy- 6,
- 8 6-dimethyl-9H-dibenzo[b,d] pyran-9-one;
- 9 N-benzylpiperazine (some trade or other names: BZP;
- 10 1-benzylpiperazine);
- 11 N-ethyl-3-piperidyl benzilate;
- 12 N-hydroxy-3,4-methylenedioxyamphetamine (Also known as
- 13 N-hydroxy MDA);
- 14 4-methylaminorex;
- 15 N-methyl-3-piperidyl benzilate;
- 16 Parahexyl (some trade or other names: 3-Hexyl-1- hydroxy-7,
- 17 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo [b, d] pyran;
- 18 Synhexyl);
- 19 1-Phenylcyclohexylamine;
- 20 1-Piperidinocyclohexanecarbonitrile (PCC);
- 21 Pyrrolidine Analog of Phencyclidine (some trade or other
- 22 names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);
- 23 ~~[Tetrahydrocannabinols, other than marihuana, and synthetic~~
- 24 ~~equivalents of the substances contained in the plant, or in the~~
- 25 ~~resinous extractives of Cannabis, or synthetic substances,~~
- 26 ~~derivatives, and their isomers with similar chemical structure and~~
- 27 ~~pharmacological activity such as:~~

1 ~~[delta-1 cis or trans tetrahydrocannabinol, and their~~
2 ~~optical isomers,~~

3 ~~[delta-6 cis or trans tetrahydrocannabinol, and their~~
4 ~~optical isomers,~~

5 ~~[delta-3, 4 cis or trans tetrahydrocannabinol, and its~~
6 ~~optical isomers, or~~

7 ~~[compounds of these structures, regardless of numerical~~
8 ~~designation of atomic positions, since nomenclature of these~~
9 ~~substances is not internationally standardized,]~~

10 Thiophene Analog of Phencyclidine (some trade or other names:
11 1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienyl Analog of
12 Phencyclidine; TPCP, TCP);

13 1-pyrrolidine (some trade or other name: TCPy);

14 1-(3-trifluoromethylphenyl)piperazine (trade or other name:
15 TFMPP); and

16 3,4,5-trimethoxy amphetamine;

17 (2) Phenylacetone (some trade or other names:
18 Phenyl-2-propanone; P2P, Benzylmethyl ketone, methyl benzyl
19 ketone);

20 (3) unless specifically excepted or unless listed in
21 another Penalty Group, a material, compound, mixture, or
22 preparation that contains any quantity of the following substances
23 having a potential for abuse associated with a depressant or
24 stimulant effect on the central nervous system:

25 Aminorex (some trade or other names: aminoxaphen;

26 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-

27 phenyl-2-oxazolamine);

1 Amphetamine, its salts, optical isomers, and salts of optical
2 isomers;

3 Cathinone (some trade or other names: 2-amino-1-
4 phenyl-1-propanone, alpha-aminopropiophenone, 2-
5 aminopropiophenone);

6 Etaqualone and its salts;

7 Etorphine Hydrochloride;

8 Fenethylamine and its salts;

9 Lisdexamfetamine, including its salts, isomers, and salts of
10 isomers;

11 Mecloqualone and its salts;

12 Methaqualone and its salts;

13 Methcathinone (some trade or other names: 2-
14 methylamino-propionophenone; alpha-(methylamino)propionophenone;
15 2-(methylamino)-1-phenylpropan-1-one; alpha-N-
16 methylaminopropionophenone; monomethylpropion; ephedrone, N-
17 methylcathinone; methylcathinone; AL-464; AL-422; AL-463; and UR
18 1431);

19 N-Ethylamphetamine, its salts, optical isomers, and salts of
20 optical isomers; and

21 N,N-dimethylamphetamine (some trade or other names:
22 N,N,alpha-trimethylbenzeneethanamine;
23 N,N,alpha-trimethylphenethylamine), its salts, optical isomers,
24 and salts of optical isomers;

25 (4) any compound structurally derived from
26 2-aminopropanal by substitution at the 1-position with any
27 monocyclic or fused-polycyclic ring system, including:

1 (A) compounds further modified by:

2 (i) substitution in the ring system to any
3 extent (including alkyl, alkoxy, alkylendioxy, haloalkyl, or
4 halide substituents), whether or not further substituted in the
5 ring system by other substituents;

6 (ii) substitution at the 3-position with an
7 alkyl substituent; or

8 (iii) substitution at the 2-amino nitrogen
9 atom with alkyl, benzyl, dialkyl, or methoxybenzyl groups, or
10 inclusion of the 2-amino nitrogen atom in a cyclic structure; and

11 (B) by example, compounds such as:

12 4-Methylmethcathinone (Also known as
13 Mephedrone);

14 3,4-Dimethylmethcathinone (Also known as
15 3,4-DMMC);

16 3-Fluoromethcathinone (Also known as 3-FMC);

17 4-Fluoromethcathinone (Also known as
18 Flephedrone);

19 3,4-Methylenedioxy-N-methylcathinone (Also
20 known as Methylone);

21 3,4-Methylenedioxypropylvalerone (Also known
22 as MDPV);

23 alpha-Pyrrolidinopentiophenone (Also known
24 as alpha-PVP);

25 Naphthylpyrovalerone (Also known as
26 Naphyrone);

27 alpha-Methylamino-valerophenone (Also known

1 as Pentedrone);

2 beta-Keto-N-methylbenzodioxolylpropylamine

3 (Also known as Butylone);

4 beta-Keto-N-methylbenzodioxolylpentanamine

5 (Also known as Pentylone);

6 beta-Keto-Ethylbenzodioxolylbutanamine

7 (Also known as Eutylone); and

8 3,4-methylenedioxy-N-ethylcathinone (Also

9 known as Ethylone);

10 (5) any compound structurally derived from tryptamine
11 (3-(2-aminoethyl)indole) or a ring-hydroxy tryptamine:

12 (A) by modification in any of the following ways:

13 (i) by substitution at the amine nitrogen
14 atom of the sidechain to any extent with alkyl or alkenyl groups or
15 by inclusion of the amine nitrogen atom of the side chain (and no
16 other atoms of the side chain) in a cyclic structure;

17 (ii) by substitution at the carbon atom
18 adjacent to the nitrogen atom of the side chain (alpha-position)
19 with an alkyl or alkenyl group;

20 (iii) by substitution in the 6-membered
21 ring to any extent with alkyl, alkoxy, haloalkyl, thioalkyl,
22 alkylenedioxy, or halide substituents; or

23 (iv) by substitution at the 2-position of
24 the tryptamine ring system with an alkyl substituent; and

25 (B) including:

26 (i) ethers and esters of the controlled
27 substances listed in this subdivision; and

1 (ii) by example, compounds such as:
2 alpha-ethyltryptamine;
3 alpha-methyltryptamine;
4 Bufotenine (some trade and other names:
5 3-(beta-Dimethylaminoethyl)-5-hydroxyindole;
6 3-(2-dimethylaminoethyl)- 5- indolol; N, N-dimethylserotonin;
7 5-hydroxy-N, N- dimethyltryptamine; mappine);
8 Diethyltryptamine (some trade and other
9 names: N, N-Diethyltryptamine, DET);
10 Dimethyltryptamine (trade or other name:
11 DMT);
12 5-methoxy-N, N-diisopropyltryptamine
13 (5-MeO-DiPT);
14 O-Acetylpsilocin (Trade or other name:
15 4-Aco-DMT);
16 Psilocin; and
17 Psilocybin;

18 (6) 2,5-Dimethoxyphenethylamine and any compound
19 structurally derived from 2,5-Dimethoxyphenethylamine by
20 substitution at the 4-position of the phenyl ring to any extent
21 (including alkyl, alkoxy, alkylendioxy, haloalkyl, or halide
22 substituents), including, by example, compounds such as:

23 4-Bromo-2,5-dimethoxyphenethylamine (trade or other name:
24 2C-B);

25 4-Chloro-2,5-dimethoxyphenethylamine (trade or other name:
26 2C-C);

27 2,5-Dimethoxy-4-methylphenethylamine (trade or other name:

1 2C-D);
2 4-Ethyl-2,5-dimethoxyphenethylamine (trade or other name:
3 2C-E);
4 4-Iodo-2,5-dimethoxyphenethylamine (trade or other name:
5 2C-I);
6 2,5-Dimethoxy-4-nitrophenethylamine (trade or other name:
7 2C-N);
8 2,5-Dimethoxy-4-(n)-propylphenethylamine (trade or other
9 name: 2C-P);
10 4-Ethylthio-2,5-dimethoxyphenethylamine (trade or other
11 name: 2C-T-2);
12 4-Isopropylthio-2,5-dimethoxyphenethylamine (trade or other
13 name: 2C-T-4); and
14 2,5-Dimethoxy-4-(n)-propylthiophenethylamine (trade or
15 other name: 2C-T-7); and
16 (7) 2,5-Dimethoxyamphetamine and any compound
17 structurally derived from 2,5-Dimethoxyamphetamine by substitution
18 at the 4-position of the phenyl ring to any extent (including alkyl,
19 alkoxy, alkylendioxy, haloalkyl, or halide substituents),
20 including, by example, compounds such as:
21 4-Ethylthio-2,5-dimethoxyamphetamine (trade or other name:
22 Aleph-2);
23 4-Isopropylthio-2,5-dimethoxyamphetamine (trade or other
24 name: Aleph-4);
25 4-Bromo-2,5-dimethoxyamphetamine (trade or other name: DOB);
26 4-Chloro-2,5-dimethoxyamphetamine (trade or other name:
27 DOC);

1 2,5-Dimethoxy-4-ethylamphetamine (trade or other name:
2 DOET);
3 4-Iodo-2,5-dimethoxyamphetamine (trade or other name: DOI);
4 2,5-Dimethoxy-4-methylamphetamine (trade or other name:
5 DOM);
6 2,5-Dimethoxy-4-nitroamphetamine (trade or other name: DON);
7 4-Isopropyl-2,5-dimethoxyamphetamine (trade or other name:
8 DOIP); and
9 2,5-Dimethoxy-4-(n)-propylamphetamine (trade or other name:
10 DOPR).

11 SECTION 29. The heading to Section 481.113, Health and
12 Safety Code, is amended to read as follows:

13 Sec. 481.113. OFFENSE: MANUFACTURE OR DELIVERY OF
14 SUBSTANCE IN PENALTY GROUP 2 [~~OR 2-A~~].

15 SECTION 30. Section 481.113(a), Health and Safety Code, is
16 amended to read as follows:

17 (a) Except as authorized by this chapter, a person commits
18 an offense if the person knowingly manufactures, delivers, or
19 possesses with intent to deliver a controlled substance listed in
20 Penalty Group 2 [~~or 2-A~~].

21 SECTION 31. Section 481.115(h), Health and Safety Code, is
22 amended to read as follows:

23 (h) The defense to prosecution provided by Subsection (g) is
24 not available if:

25 (1) at the time the request for emergency medical
26 assistance was made:

27 (A) a peace officer was in the process of

1 arresting the actor or executing a search warrant describing the
2 actor or the place from which the request for medical assistance was
3 made; or

4 (B) the actor is committing another offense,
5 other than an offense punishable under Section 481.1151(b)(1),
6 481.116(b), [~~481.1161(b)(1) or (2)~~], 481.117(b), or 481.118(b),
7 [~~or 481.121(b)(1) or (2)~~] or an offense under Section 481.119(b),
8 [~~481.125(a)~~], 483.041(a), or 485.031(a);

9 (2) the actor has been previously convicted of or
10 placed on deferred adjudication community supervision for an
11 offense under this chapter or Chapter 483 or 485;

12 (3) the actor was acquitted in a previous proceeding
13 in which the actor successfully established the defense under that
14 subsection or Section 481.1151(c), 481.116(f), [~~481.1161(c)~~],
15 481.117(f), 481.118(f), 481.119(c), [~~481.121(c), 481.125(g)~~],
16 483.041(e), or 485.031(c); or

17 (4) at any time during the 18-month period preceding
18 the date of the commission of the instant offense, the actor
19 requested emergency medical assistance in response to the possible
20 overdose of the actor or another person.

21 SECTION 32. Section 481.1151(d), Health and Safety Code, is
22 amended to read as follows:

23 (d) The defense to prosecution provided by Subsection (c) is
24 not available if:

25 (1) at the time the request for emergency medical
26 assistance was made:

27 (A) a peace officer was in the process of

1 arresting the actor or executing a search warrant describing the
2 actor or the place from which the request for medical assistance was
3 made; or

4 (B) the actor is committing another offense,
5 other than an offense punishable under Section 481.115(b),
6 481.116(b), [~~481.1161(b)(1) or (2)~~], 481.117(b), or 481.118(b),
7 [~~or 481.121(b)(1) or (2)~~] or an offense under Section 481.119(b),
8 [~~481.125(a)~~], 483.041(a), or 485.031(a);

9 (2) the actor has been previously convicted of or
10 placed on deferred adjudication community supervision for an
11 offense under this chapter or Chapter 483 or 485;

12 (3) the actor was acquitted in a previous proceeding
13 in which the actor successfully established the defense under that
14 subsection or Section 481.115(g), 481.116(f), [~~481.1161(c)~~],
15 481.117(f), 481.118(f), 481.119(c), [~~481.121(c), 481.125(g)~~],
16 483.041(e), or 485.031(c); or

17 (4) at any time during the 18-month period preceding
18 the date of the commission of the instant offense, the actor
19 requested emergency medical assistance in response to the possible
20 overdose of the actor or another person.

21 SECTION 33. Section 481.116(g), Health and Safety Code, is
22 amended to read as follows:

23 (g) The defense to prosecution provided by Subsection (f) is
24 not available if:

25 (1) at the time the request for emergency medical
26 assistance was made:

27 (A) a peace officer was in the process of

1 arresting the actor or executing a search warrant describing the
2 actor or the place from which the request for medical assistance was
3 made; or

4 (B) the actor is committing another offense,
5 other than an offense punishable under Section 481.115(b),
6 481.1151(b)(1), [~~481.1161(b)(1) or (2)~~], 481.117(b), or
7 481.118(b), [~~or 481.121(b)(1) or (2)~~], or an offense under Section
8 481.119(b), [~~481.125(a)~~], 483.041(a), or 485.031(a);

9 (2) the actor has been previously convicted of or
10 placed on deferred adjudication community supervision for an
11 offense under this chapter or Chapter 483 or 485;

12 (3) the actor was acquitted in a previous proceeding
13 in which the actor successfully established the defense under that
14 subsection or Section 481.115(g), 481.1151(c), [~~481.1161(c)~~],
15 481.117(f), 481.118(f), 481.119(c), [~~481.121(c), 481.125(g)~~],
16 483.041(e), or 485.031(c); or

17 (4) at any time during the 18-month period preceding
18 the date of the commission of the instant offense, the actor
19 requested emergency medical assistance in response to the possible
20 overdose of the actor or another person.

21 SECTION 34. Section 481.117(g), Health and Safety Code, is
22 amended to read as follows:

23 (g) The defense to prosecution provided by Subsection (f) is
24 not available if:

25 (1) at the time the request for emergency medical
26 assistance was made:

27 (A) a peace officer was in the process of

1 arresting the actor or executing a search warrant describing the
2 actor or the place from which the request for medical assistance was
3 made; or

4 (B) the actor is committing another offense,
5 other than an offense punishable under Section 481.115(b),
6 481.1151(b)(1), 481.116(b), or [~~481.1161(b)(1) or (2)~~],
7 481.118(b), [~~or 481.121(b)(1) or (2)~~], or an offense under Section
8 481.119(b), [~~481.125(a)~~], 483.041(a), or 485.031(a);

9 (2) the actor has been previously convicted of or
10 placed on deferred adjudication community supervision for an
11 offense under this chapter or Chapter 483 or 485;

12 (3) the actor was acquitted in a previous proceeding
13 in which the actor successfully established the defense under that
14 subsection or Section 481.115(g), 481.1151(c), 481.116(f),
15 [~~481.1161(c)~~], 481.118(f), 481.119(c), [~~481.121(c), 481.125(g)~~],
16 483.041(e), or 485.031(c); or

17 (4) at any time during the 18-month period preceding
18 the date of the commission of the instant offense, the actor
19 requested emergency medical assistance in response to the possible
20 overdose of the actor or another person.

21 SECTION 35. Section 481.118(g), Health and Safety Code, is
22 amended to read as follows:

23 (g) The defense to prosecution provided by Subsection (f) is
24 not available if:

25 (1) at the time the request for emergency medical
26 assistance was made:

27 (A) a peace officer was in the process of

1 arresting the actor or executing a search warrant describing the
2 actor or the place from which the request for medical assistance was
3 made; or

4 (B) the actor is committing another offense,
5 other than an offense punishable under Section 481.115(b),
6 481.1151(b)(1), 481.116(b), or [~~481.1161(b)(1) or (2)~~],
7 481.117(b), [~~or 481.121(b)(1) or (2)~~], or an offense under Section
8 481.119(b), [~~481.125(a)~~], 483.041(a), or 485.031(a);

9 (2) the actor has been previously convicted of or
10 placed on deferred adjudication community supervision for an
11 offense under this chapter or Chapter 483 or 485;

12 (3) the actor was acquitted in a previous proceeding
13 in which the actor successfully established the defense under that
14 subsection or Section 481.115(g), 481.1151(c), 481.116(f),
15 [~~481.1161(c)~~], 481.117(f), 481.119(c), [~~481.121(c), 481.125(g)~~],
16 483.041(e), or 485.031(c); or

17 (4) at any time during the 18-month period preceding
18 the date of the commission of the instant offense, the actor
19 requested emergency medical assistance in response to the possible
20 overdose of the actor or another person.

21 SECTION 36. Section 481.119(d), Health and Safety Code, is
22 amended to read as follows:

23 (d) The defense to prosecution provided by Subsection (c) is
24 not available if:

25 (1) at the time the request for emergency medical
26 assistance was made:

27 (A) a peace officer was in the process of

1 arresting the actor or executing a search warrant describing the
2 actor or the place from which the request for medical assistance was
3 made; or

4 (B) the actor is committing another offense,
5 other than an offense punishable under Section 481.115(b),
6 481.1151(b)(1), 481.116(b), [~~481.1161(b)(1) or (2)~~], 481.117(b),
7 or 481.118(b), [~~or 481.121(b)(1) or (2)~~], or an offense under
8 Section [~~481.125(a)~~], 483.041(a) [~~]~~ or 485.031(a);

9 (2) the actor has been previously convicted of or
10 placed on deferred adjudication community supervision for an
11 offense under this chapter or Chapter 483 or 485;

12 (3) the actor was acquitted in a previous proceeding
13 in which the actor successfully established the defense under that
14 subsection or Section 481.115(g), 481.1151(c), 481.116(f),
15 [~~481.1161(c)~~], 481.117(f), 481.118(f), [~~481.121(c), 481.125(g)~~],
16 483.041(e), or 485.031(c); or

17 (4) at any time during the 18-month period preceding
18 the date of the commission of the instant offense, the actor
19 requested emergency medical assistance in response to the possible
20 overdose of the actor or another person.

21 SECTION 37. The heading to Section 481.122, Health and
22 Safety Code, is amended to read as follows:

23 Sec. 481.122. OFFENSE: DELIVERY OF CONTROLLED SUBSTANCE [~~OR~~
24 ~~MARIHUANA~~] TO CHILD.

25 SECTION 38. Sections 481.122(a) and (b), Health and Safety
26 Code, are amended to read as follows:

27 (a) A person commits an offense if the person knowingly

1 delivers a controlled substance listed in Penalty Group 1, 1-A,
2 1-B, 2, or 3 [~~or knowingly delivers marihuana~~] and the person
3 delivers the controlled substance [~~or marihuana~~] to a person:

- 4 (1) who is a child;
- 5 (2) who is enrolled in a public or private primary or
6 secondary school; or
- 7 (3) who the actor knows or believes intends to deliver
8 the controlled substance [~~or marihuana~~] to a person described by
9 Subdivision (1) or (2).

10 (b) It is an affirmative defense to prosecution under this
11 section that[+]

12 [~~(1)~~] the actor was a child when the offense was
13 committed[~~, or~~

14 [~~(2) the actor:~~

15 [~~(A) was younger than 21 years of age when the~~
16 ~~offense was committed,~~

17 [~~(B) delivered only marihuana in an amount equal~~
18 ~~to or less than one-fourth ounce, and~~

19 [~~(C) did not receive remuneration for the~~
20 ~~delivery]~~.

21 SECTION 39. Section 481.126, Health and Safety Code, is
22 amended to read as follows:

23 Sec. 481.126. OFFENSE: ILLEGAL BARTER, EXPENDITURE, OR
24 INVESTMENT. (a) A person commits an offense if the person:

- 25 (1) barter property or expends funds the person knows
26 are derived from the commission of an offense under this chapter
27 punishable by imprisonment in the Texas Department of Criminal

1 Justice for life; or

2 (2) [~~barters property or expends funds the person~~
3 ~~knows are derived from the commission of an offense under Section~~
4 ~~481.121(a) that is punishable under Section 481.121(b)(5);~~

5 [~~(3)~~] barters property or finances or invests funds
6 the person knows or believes are intended to further the commission
7 of an offense for which the punishment is described by Subdivision
8 (1) [~~;~~ ~~or~~

9 [~~(4) barters property or finances or invests funds the~~
10 ~~person knows or believes are intended to further the commission of~~
11 ~~an offense under Section 481.121(a) that is punishable under~~
12 ~~Section 481.121(b)(5)].~~

13 (b) An offense under this section [~~Subsection (a)(1) or (3)~~]
14 is a felony of the first degree. [~~An offense under Subsection~~
15 ~~(a)(2) or (4) is a felony of the second degree.]~~

16 SECTION 40. Section 481.133(c), Health and Safety Code, is
17 amended to read as follows:

18 (c) In this section, "drug test" means a lawfully
19 administered test designed to detect the presence of a controlled
20 substance [~~or marijuana~~].

21 SECTION 41. Sections 481.134(b) and (c), Health and Safety
22 Code, as amended by Chapters 584 (S.B. 768) and 807 (H.B. 1540),
23 Acts of the 87th Legislature, Regular Session, 2021, are reenacted
24 and amended to read as follows:

25 (b) An offense otherwise punishable as a state jail felony
26 under Section 481.112, 481.1121, 481.1123, 481.113, or 481.114 [~~;~~ ~~or~~
27 ~~481.120~~] is punishable as a felony of the third degree, an offense

1 otherwise punishable as a felony of the third degree under any of
2 those sections is punishable as a felony of the second degree, and
3 an offense otherwise punishable as a felony of the second degree
4 under any of those sections is punishable as a felony of the first
5 degree, if it is shown at the punishment phase of the trial of the
6 offense that the offense was committed:

7 (1) in, on, or within 1,000 feet of premises owned,
8 rented, or leased by an institution of higher learning, the
9 premises of a public or private youth center, or a playground;

10 (2) in, on, or within 300 feet of the premises of a
11 public swimming pool or video arcade facility; or

12 (3) by any unauthorized person 18 years of age or
13 older, in, on, or within 1,000 feet of premises owned, rented, or
14 leased by a general residential operation operating as a
15 residential treatment center.

16 (c) The minimum term of confinement or imprisonment for an
17 offense otherwise punishable under Section 481.112(c), (d), (e), or
18 (f), 481.1121(b)(2), (3), or (4), 481.1123(c), (d), (e), or (f),
19 481.113(c), (d), or (e), 481.114(c), (d), or (e), 481.115(c)-(f),
20 481.1151(b)(2), (3), (4), or (5), 481.116(c), (d), or (e),
21 [~~481.1161(b)(4), (5), or (6)~~], 481.117(c), (d), or (e), or
22 481.118(c), (d), or (e) [~~481.120(b)(4), (5), or (6)~~], or
23 ~~481.121(b)(4), (5), or (6)]~~ is increased by five years and the
24 maximum fine for the offense is doubled if it is shown on the trial
25 of the offense that the offense was committed:

26 (1) in, on, or within 1,000 feet of the premises of a
27 school, the premises of a public or private youth center, or a

1 playground;

2 (2) on a school bus; or

3 (3) by any unauthorized person 18 years of age or
4 older, in, on, or within 1,000 feet of premises owned, rented, or
5 leased by a general residential operation operating as a
6 residential treatment center.

7 SECTION 42. Sections 481.134(d), (e), and (f), Health and
8 Safety Code, are amended to read as follows:

9 (d) An offense otherwise punishable under Section
10 481.112(b), 481.1121(b)(1), 481.113(b), 481.114(b), 481.115(b),
11 481.1151(b)(1), or 481.116(b) [~~481.1161(b)(3), 481.120(b)(3), or~~
12 ~~481.121(b)(3)~~] is a felony of the third degree if it is shown on the
13 trial of the offense that the offense was committed:

14 (1) in, on, or within 1,000 feet of any real property
15 that is owned, rented, or leased to a school or school board, the
16 premises of a public or private youth center, or a playground;

17 (2) on a school bus; or

18 (3) by any unauthorized person 18 years of age or
19 older, in, on, or within 1,000 feet of premises owned, rented, or
20 leased by a general residential operation operating as a
21 residential treatment center.

22 (e) An offense otherwise punishable under Section
23 481.117(b) or [~~7~~] 481.119(a) [~~481.120(b)(2), or 481.121(b)(2)~~] is
24 a state jail felony if it is shown on the trial of the offense that
25 the offense was committed:

26 (1) in, on, or within 1,000 feet of any real property
27 that is owned, rented, or leased to a school or school board, the

1 premises of a public or private youth center, or a playground;

2 (2) on a school bus; or

3 (3) by any unauthorized person 18 years of age or
4 older, in, on, or within 1,000 feet of premises owned, rented, or
5 leased by a general residential operation operating as a
6 residential treatment center.

7 (f) An offense otherwise punishable under Section
8 [481.118\(b\)](#) or [~~7~~] [481.119\(b\)](#) [~~7~~, ~~[481.120\(b\)\(1\)](#)~~, or ~~[481.121\(b\)\(1\)](#)~~] is
9 a Class A misdemeanor if it is shown on the trial of the offense that
10 the offense was committed:

11 (1) in, on, or within 1,000 feet of any real property
12 that is owned, rented, or leased to a school or school board, the
13 premises of a public or private youth center, or a playground;

14 (2) on a school bus; or

15 (3) by any unauthorized person 18 years of age or
16 older, in, on, or within 1,000 feet of premises owned, rented, or
17 leased by a general residential operation operating as a
18 residential treatment center.

19 SECTION 43. Section [481.140\(a\)](#), Health and Safety Code, is
20 amended to read as follows:

21 (a) If it is shown at the punishment phase of the trial of an
22 offense otherwise punishable as a state jail felony, felony of the
23 third degree, or felony of the second degree under Section [481.112](#),
24 [481.1121](#), [481.1123](#), [481.113](#), [481.114](#), [~~[481.120](#)~~], or [481.122](#) that
25 the defendant used or attempted to use a child younger than 18 years
26 of age to commit or assist in the commission of the offense, the
27 punishment is increased by one degree, unless the defendant used or

1 threatened to use force against the child or another to gain the
2 child's assistance, in which event the punishment for the offense
3 is a felony of the first degree.

4 SECTION 44. Section 481.151(1), Health and Safety Code, is
5 amended to read as follows:

6 (1) "Controlled substance property" means a
7 controlled substance, mixture containing a controlled substance,
8 controlled substance analogue, counterfeit controlled substance,
9 ~~[drug paraphernalia,~~ chemical precursor, chemical laboratory
10 apparatus, or raw material.

11 SECTION 45. Section 483.041(f), Health and Safety Code, is
12 amended to read as follows:

13 (f) The defense to prosecution provided by Subsection (e) is
14 not available if:

15 (1) at the time the request for emergency medical
16 assistance was made:

17 (A) a peace officer was in the process of
18 arresting the actor or executing a search warrant describing the
19 actor or the place from which the request for medical assistance was
20 made; or

21 (B) the actor is committing another offense,
22 other than an offense punishable under Section 481.115(b),
23 481.1151(b)(1), 481.116(b), ~~[481.1161(b)(1) or (2),]~~ 481.117(b),
24 or 481.118(b), ~~[or 481.121(b)(1) or (2),]~~ or an offense under
25 Section 481.119(b) ~~[, 481.125(a),]~~ or 485.031(a);

26 (2) the actor has been previously convicted of or
27 placed on deferred adjudication community supervision for an

1 offense under this chapter or Chapter 481 or 485;

2 (3) the actor was acquitted in a previous proceeding
3 in which the actor successfully established the defense under that
4 subsection or Section 481.115(g), 481.1151(c), 481.116(f),
5 [~~481.1161(c)~~], 481.117(f), 481.118(f), 481.119(c), [~~481.121(c)~~],
6 ~~481.125(g)~~] or 485.031(c); or

7 (4) at any time during the 18-month period preceding
8 the date of the commission of the instant offense, the actor
9 requested emergency medical assistance in response to the possible
10 overdose of the actor or another person.

11 SECTION 46. Section 485.031(d), Health and Safety Code, is
12 amended to read as follows:

13 (d) The defense to prosecution provided by Subsection (c) is
14 not available if:

15 (1) at the time the request for emergency medical
16 assistance was made:

17 (A) a peace officer was in the process of
18 arresting the actor or executing a search warrant describing the
19 actor or the place from which the request for medical assistance was
20 made; or

21 (B) the actor is committing another offense,
22 other than an offense punishable under Section 481.115(b),
23 481.1151(b)(1), 481.116(b), [~~481.1161(b)(1) or (2)~~], 481.117(b),
24 or 481.118(b), [~~or 481.121(b)(1) or (2)~~], or an offense under
25 Section 481.119(b) [~~, 481.125(a)~~] or 483.041(a);

26 (2) the actor has been previously convicted of or
27 placed on deferred adjudication community supervision for an

1 offense under this chapter or Chapter 481 or 483;

2 (3) the actor was acquitted in a previous proceeding
3 in which the actor successfully established the defense under that
4 subsection or Section 481.115(g), 481.1151(c), 481.116(f),
5 [~~481.1161(c)~~], 481.117(f), 481.118(f), 481.119(c), [~~481.121(c)~~],
6 [~~481.125(g)~~] or 483.041(e); or

7 (4) at any time during the 18-month period preceding
8 the date of the commission of the instant offense, the actor
9 requested emergency medical assistance in response to the possible
10 overdose of the actor or another person.

11 SECTION 47. Section 31.0031(d), Human Resources Code, is
12 amended to read as follows:

13 (d) The responsibility agreement shall require that:

14 (1) the parent of a dependent child cooperate with the
15 commission and the Title IV-D agency if necessary to establish the
16 paternity of the dependent child and to establish or enforce child
17 support;

18 (2) if adequate and accessible providers of the
19 services are available in the geographic area and subject to the
20 availability of funds, each dependent child, as appropriate,
21 complete early and periodic screening, diagnosis, and treatment
22 checkups on schedule and receive the immunization series prescribed
23 by Section 161.004, Health and Safety Code, unless the child is
24 exempt under that section;

25 (3) each adult recipient, or teen parent recipient who
26 has completed the requirements regarding school attendance in
27 Subdivision (6), not voluntarily terminate paid employment of at

1 least 30 hours each week without good cause in accordance with rules
2 adopted by the executive commissioner;

3 (4) each adult recipient for whom a needs assessment
4 is conducted participate in an activity to enable that person to
5 become self-sufficient by:

6 (A) continuing the person's education or
7 becoming literate;

8 (B) entering a job placement or employment skills
9 training program;

10 (C) serving as a volunteer in the person's
11 community; or

12 (D) serving in a community work program or other
13 work program approved by the commission;

14 (5) each caretaker relative or parent receiving
15 assistance not use, sell, or possess [~~marihuana or~~] a controlled
16 substance in violation of Chapter 481, Health and Safety Code, or
17 abuse alcohol;

18 (6) each dependent child younger than 18 years of age
19 or teen parent younger than 19 years of age attend school regularly,
20 unless the child has a high school diploma or high school
21 equivalency certificate or is specifically exempted from school
22 attendance under Section 25.086, Education Code;

23 (7) each recipient comply with commission rules
24 regarding proof of school attendance; and

25 (8) each recipient attend appropriate parenting
26 skills training classes, as determined by the needs assessment.

27 SECTION 48. Section 1355.006, Insurance Code, is amended to

1 read as follows:

2 Sec. 1355.006. COVERAGE FOR CERTAIN CONDITIONS RELATED TO
3 CONTROLLED SUBSTANCE [~~OR MARIHUANA~~] NOT REQUIRED. (a) In this
4 section, "controlled substance" has [~~and "marihuana" have~~] the
5 meaning [~~meanings~~] assigned by Section 481.002, Health and Safety
6 Code.

7 (b) This subchapter does not require a group health benefit
8 plan to provide coverage for the treatment of:

9 (1) addiction to a controlled substance [~~or marihuana~~]
10 that is used in violation of law; or

11 (2) mental illness that results from the use of a
12 controlled substance [~~or marihuana~~] in violation of law.

13 SECTION 49. Section 551.004(a), Occupations Code, is
14 amended to read as follows:

15 (a) This subtitle does not apply to:

16 (1) a practitioner licensed by the appropriate state
17 board who supplies a patient of the practitioner with a drug in a
18 manner authorized by state or federal law and who does not operate a
19 pharmacy for the retailing of prescription drugs;

20 (2) a member of the faculty of a college of pharmacy
21 recognized by the board who is a pharmacist and who performs the
22 pharmacist's services only for the benefit of the college;

23 (3) a person who procures prescription drugs for
24 lawful research, teaching, or testing and not for resale; or

25 (4) a home and community support services agency that
26 possesses a dangerous drug as authorized by Section 142.0061,
27 142.0062, or 142.0063, Health and Safety Code [~~or~~]

1 ~~[(5) a dispensing organization, as defined by Section~~
2 ~~487.001, Health and Safety Code, that cultivates, processes, and~~
3 ~~dispenses low-THC cannabis, as authorized by Chapter 487, Health~~
4 ~~and Safety Code, to a patient listed in the compassionate-use~~
5 ~~registry established under that chapter].~~

6 SECTION 50. Section 71.023(a), Penal Code, is amended to
7 read as follows:

8 (a) A person commits an offense if the person, as part of the
9 identifiable leadership of a criminal street gang, knowingly
10 finances, directs, or supervises the commission of, or a conspiracy
11 to commit, one or more of the following offenses by members of a
12 criminal street gang:

13 (1) a felony offense that is listed in Article
14 42A.054(a), Code of Criminal Procedure;

15 (2) a felony offense for which it is shown that a
16 deadly weapon, as defined by Section 1.07, was used or exhibited
17 during the commission of the offense or during immediate flight
18 from the commission of the offense; or

19 (3) an offense that is punishable under Section
20 481.112(e) or (f), 481.1121(b)(4), 481.1123(d), (e), or (f), or
21 481.115(f), [~~or 481.120(b)(6),~~] Health and Safety Code.

22 SECTION 51. The changes in law made by this Act apply only
23 to an offense committed on or after the effective date of this Act.
24 An offense committed before the effective date of this Act is
25 governed by the law in effect on the date the offense was committed,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, an offense was committed before the

1 effective date of this Act if any element of the offense occurred
2 before that date.

3 SECTION 52. To the extent of any conflict, this Act prevails
4 over another Act of the 88th Legislature, Regular Session, 2023,
5 relating to nonsubstantive additions to and corrections in enacted
6 codes.

7 SECTION 53. This Act takes effect September 1, 2023.